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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,088	10/15/2001	I-Chung Huang		9303

7590 01/15/2004  
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EXAMINER	
OCAMPO, MARIANNE S	
ART UNIT	PAPER NUMBER

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,088

Applicant(s)

HUANG, I-CHUNG

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Regarding claim 9, the limitations “a circumferential rim *of isolating layer* to contact the carafe” in lines 4 – 5 and “both the at least one free moving non-return unit and the at least one passive non-return unit comprising a *cove* body” in lines 9 – 11 are deemed unclear. With regards to the first limitation mentioned, the article “the” should be inserted between the word “of” and the phrase “isolating layer”. With respect to the second limitation, the examiner believes that a typographical error has been made, and that the word “cove” should be rewritten/replaced with “cover”.

b). Concerning claim 10, it is unclear if the filter layer is disposed “at an opening at a lower end of the ring-shaped protruding body” or is the filter layer disposed “in an opening at a lower end of the ring-shaped protruding body”. Either the word “at” or the word “in” should be deleted to avoid the confusion.

c). Regarding claim 11, it is unclear which cover body is being referred to here. In particular, the cover body (i.e. those indicated as 21 and 174, respectively, having holes therethrough) has been first mentioned relative to the free moving non-return unit and the passive non-return unit. Is the "cover body" mentioned in lines 2 - 3 of this claim being the same structure indicated as 21 or 174, or not? This is confusing since according to applicant's specification, the cover body (indicated to be 142 as in fig. 7) is a mounting or retaining ring being attached to the ring-shaped protruding body (163c), as in page 11, lines 18 - 20 and page 12, lines 1 - 3.

d). Claim 12 depends from claim 9 and suffers the same defects since it depends therefrom.

***Allowable Subject Matter***

3. Claims 1 - 8 have been previously indicated (see pages 7 - 8 of last office action mailed to applicant on 7-18-03) in the last office action to contain allowable subject matter. Claims 9 - 12 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

4. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art has failed to disclose or render obvious a percolating steeper having the limitations of at least one free moving non-return unit and one passive non-return unit being

disposed on an isolating layer of the steeper, wherein the at least one free moving non-return unit and one passive non-return unit comprise a cover body with holes, a valve body situated at a *valve door* (i.e. an opening) on the isolating layer and the valve door *penetrating* (i.e. extending) through the isolating layer, as in independent claims 1 and 9.

5. The following claims 9 - 11 drafted by the examiner and considered to distinguish patentably over the art of record in this application, are hereby being presented to applicant for consideration:

a). Claim 9. A percolating steeper comprising a carafe, a cover body, a filter layer, an isolating layer and a control element, and further comprising a protruding body disposed below the isolating layer and a tight unit disposed on a circumferential rim of the isolating layer to contact the carafe, and at least one free moving non-return unit and one passive non-return unit disposed on the isolating layer, the control element indirectly controlling downward or upward movement of the isolating layer and the filter layer by means of the at least one passive non-return unit, and both the at least one free moving non-return unit and the at least one passive non-return unit comprising a cover body with holes, a valve body situated in a valve door formed on the isolating layer wherein the valve door comprises a valve hole which extends through the isolating layer to let a fluid to flow in and out, and the protruding body having a ring shape, a lower end of the valve hole and a lower end area of the ring-shaped protruding body maintaining a certain distance, and the filter layer being situated adjacent to the lower end area of the ring-shaped protruding body.

b). Claim 10. A percolating steeper according to claim 9, wherein the filter layer is disposed in an opening at a lower end of the ring-shaped protruding body and the filter layer comprises a filter screen. (In this claim, the word "at" before the phrase "in an opening" has been deleted).

c). Claim 11. A percolating steeper according to claim 9, wherein the filter screen of the filter layer is disposed inside a ring-shaped cover body, the ring-shaped cover body is assembled with the protruding body to situate the filter screen at the lower end opening of the ring-shaped protruding body. (The addition of "ring-shaped" in front of the cover body in this claim differentiates this cover body from those of the free moving non-return unit and the passive non-return unit).

### *Conclusion*

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272-1144. The examiner can normally be reached on Tuesdays and Thursdays to Fridays from 8:30 A.M. to 4:30 P.M..

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

M.S.O.

  
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